

1 HONORABLE RONALD B. LEIGHTON  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 United States of America,

11 Plaintiff,

12 v.

13 Kenneth Wayne Leaming,

14 Defendant.

15 No. 12-cr-5039-RBL

16 ORDER ON MOTION FOR RECUSAL

17 (Dkt. #198, 199)

18 Defendant, recently convicted, has filed a “Notice to the Record and Notice of Duty to  
19 Recuse,” which the Court will treat as a motion to recuse. Under 28 U.S.C. § 144 and 28 U.S.C.  
20 § 455, recusal of a federal judge is appropriate if a reasonable person with knowledge of all the  
21 facts would conclude that the judge’s impartiality might reasonably be questioned. *Yagman v.*  
22 *Republic Insurance*, 987 F.2d 622, 626 (9th Cir. 1993). “In the absence of specific allegations of  
23 personal bias, prejudice, or interest, neither prior adverse rulings of a judge nor his participation  
24 in a related or prior proceeding is sufficient” to establish bias. *Davis v. Fendler*, 650 F.2d 1154,  
25 1163 (9th Cir. 1981); *see also Liteky v. United States*, 510 U.S. 540, 555 (1994) (“judicial rulings  
26 alone almost never constitute valid basis for a bias or partiality motion.”).

27 Defendant has provided no grounds for recusal. He states only that he has filed a  
28 “Judicial Misconduct/Disability Complaint” against the undersigned with the Ninth Circuit and  
believes that the filing itself ‘EVIDENCES the prejudice and BIAS of Leighton, and Leighton is  
mandated to recuse himself for Bias and Prejudice.’ A defendant’s filing of a document is not

1 evidence of bias. The motion is **DENIED** and the Clerk is directed to **REFER** the motion to the  
2 Chief Judge.

3 Defendant has also filed a “Demand for Declaratory Judgment as to Adjudicative Facts.”  
4 Like many of Defendant’s previous filings, the document references “International Law  
5 Ordinances” from the internet and asks “[i]s there any FACT and LAW upon which the  
6 International Law Ordinance . . . is not binding on the above captioned tribunal and its officers?”  
7 Yes. It is not a law passed by Congress and signed by the President. Defendant’s filing goes on  
8 to ask similar vague questions about the Universal Declaration of Human Rights, the Declaration  
9 of Independence, and the U.S. Constitution. The answers to his question are as follows: the  
10 Universal Declaration of Human Rights and the Declaration of Independence provide no binding  
11 law; the Constitution does. To the extent that this document is meant as a motion, it is **DENIED**.

12  
13 Dated this 13<sup>th</sup> day of March 2013.

14  
15   
16

17 RONALD B. LEIGHTON  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28